

INFORMATION HOTLINE

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2007 Proposed Legislation

The Board of Chiropractic Examiners, along with the South Dakota Chiropractor's Association, has been working on some changes in our chiropractic statute these last two years. This process started when the board received complaints about massage therapists, acupuncturist's, naturopathic doctors, and other practitioners not licensed under our chiropractic statute, who were performing spinal manipulation or advertising such. In responding to these complaints, we discovered that our existing statutes as worded, made it difficult to deal with "non-licensed practitioners".

We are currently awaiting approval from the Governor on four bills that the Board of Examiners are proposing. The first is updating scope of practice legislation. Second is legislation that adds the word "advertises" in our pre-

sent statute that prohibits practicing without a license. We are also proposing the requirement of a bachelor's degree as a requirement for licensure in South Dakota after January 2011. The board would also require that all applicants submit to a state and federal criminal background investigation before application for licensure.

One of the primary missions of the Board of Examiners is to protect the public, the consumers of chiropractic care in South Dakota. The legislation that the Board of Examiners is proposing simply helps us to fulfill that mission of protecting the public.

Once approval to move forward is received from the Governor, copies of the proposed legislation along with talking points to discuss with your legislators, will be provided by Marcia Walter in the board office.

LICENSE RENEWAL FEES ARE DUE!!

REMINDER....License renewal payments are due in the board office by December 31, 2006!! Any license renewal fee not received on or before December 31, 2006 will be considered delinquent. A \$100 late fee will be assessed along with

the normal renewal fee to be paid by January 15. Further board action may be taken after January 15th if renewal fees and late fees are not paid. CA radiographic renewal certification payments are also due by December 31, 2006.

Respect Your Profession and Respect Your Patients by Donn Fahrendorf, DC

As I have mentioned before, the wish of the entire Board of Examiners for all chiropractors who choose to practice in South Dakota is to establish a successful practice. A successful practice will depend on an ethical business and a professional environment. However when financial pressures mount, too often our ethics are compromised.

I realize the number of South Dakota Chiropractors have increased quite drastically in the past 10 years. This increase in clinics along with the continuing reduction of reimbursement by the third party payors has put unforeseen pressure on chiropractors and their ability to succeed.

In today's competitive market advertising is a necessity, especially for these new doctors in our state. However, when it is mismanaged, which is happening all too frequently, this creates a problem not only for the con-

sumer but also with our colleagues.

Recently the Board of Examiners has received an increase in complaints filed by South Dakota DC's against their fellow practitioners. The primary (if not the only) complaint is questionable advertising. Basically, they question if these ads/promotions are within the rules that all chiropractors are expected to follow.

We have emphasized at our New Doctor Orientation to notify the Board of Examiners prior to any promotional material you intend to distribute. Therefore, if there is an inadvertent problem with the copy we can work with you and make the necessary corrections prior to distribution and avoid the work of going through the complaint process or the cost of correcting the error.

Whereas there is a variety of adver-

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"A successful practice will depend on an ethical business and a professional environment."

SOUTH DAKOTA ETHICS AND FRAUD COURSE

Please remember that two hours of Ethics and Fraud training are required during the current 2006-2007 education period. These hours can be obtained through DcOnline by following these steps:

1. Go to www.dconline.us
2. Click register
3. Select Dconline Training Term One



Two hours of ethics/fraud available online!!!

2006

4. Select—CEU courses
5. Select South Dakota Ethics in Chiropractic Practice.

Ethics/Fraud mandated hours are part of the 40 hours that are due by December 31, 2007.

NEW RULES/REGULATIONS

The South Dakota Board of Chiropractic Examiners has amended certain administrative rules in accordance with SDCL 1-26. The Board held a public hearing on the amended rules on September 8, 2006 in Chamberlain, SD. The rules were presented to the Interim Rules Review Committee on September 28, 2006, in Pierre. The committee approved the rules. The rules were amended to clarify requirements for inactive status; adopt a nationally recognized approval source for continuing education courses; and clarify certain ethical standards and the disciplinary procedure.

Perhaps the most important rules amended that all chiropractors should be aware of are the following:

20:41:09:01. Patient care and charges.....no charge may be made which overestimates the advice and services rendered. It is unprofessional conduct for any chiropractor to enter into a financial contract which would obligate a patient to pay for care to be rendered in the future.

20:41:10:02.01. Solicitation. It is unprofessional conduct for a licensee

or the agent of a licensee to solicit any person who is vulnerable to undue influence. For example, without limitation, any person known by the licensee to have recently been involved in a motor vehicle accident, involved in a work-related accident, or injured by, or as the result of the actions of, another person is considered to be vulnerable to undue influence. An agent is a person who renders service to a licensee on a contract basis and is not an employee of the licensee. To solicit is the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence.

Other rules amended were:

20:41:05:06, 20:41:08:01, 20:41:10:02, 20:41:10:05.03, 20:41:10:05.04, 20:41:10:10, 20:41:11:04, and 20:41:14:06

These rules may be reviewed by going to www.state.sd.us/doh/chiropractic and click on rules.

Please visit our website at

www.state.sd.us/doh/chiropractic

for a complete set of our statutes, rules and regulations.

APPOINTMENTS / REAPPOINTMENTS

Governor Michael Rounds has appointed Mr. James Lawler of Deadwood as laymember for the chiropractic board effective immediately and continuing until January 1, 2009. This appointment serves as a replacement for David Kenyon. Gover-



nor Rounds has also reappointed Dr. Donn Fahrendorf, Dr. Mark Steiner and Dr. Mark Bledsoe to continue serving on the board for a 3 year term. Dr. Robin Lecy was reappointed last year for a 3 year term. CONGRATULATIONS!!

APPOINTMENT TO ACBA

Marcia Walter, Executive Director for the South Dakota Board of Chiropractic Examiners has been appointed by the ACBA (American Chiropractic Board Administrators) Executive Committee to fill the vacant secretary position on the board effective immediately.

The Association of Chiropractic Board Administrators (ACBA), which comprises administra-

tors and other personnel of chiropractic regulatory agencies in the United States, Canada, Puerto Rico, Virgin Islands, and other jurisdictions, was founded in 1987, and is affiliated with the Federation of Chiropractic Licensing Boards (FCLB).

The purpose of the ACBA is to provide net-

working and communication opportunities for Chiropractic Member

Board Adminis-

trators / Regu-

lators to meet

and discuss is-

sues, and to

work with the

FCLB and NBCE

to provide input,

when appropriate, on

issues that affect the

regulation of the chiro-

practic profession.



RESPECT YOUR PROFESSION AND RESPECT YOUR PATIENTS (CONTINUED)

(Continued from page 2)

tising problems, the following will guarantee the most intense reaction.

1. Patient Solicitation (Refer to updated rules found in this newsletter)
2. Specialist or Specializing: Our State Rules: # 3 Advertising that represents to the public the chiropractor possesses special skill, training, knowledge, or qualifications unless the board has recognized the training or certification on which the

representation is based. In other words it has to be Board Certified that additional education and testing has qualified you for a "specialty" listing.

3. Blind ads: Refer to Policy and Opinions
4. Cash Discounts: Refer to #7 20:41:09:07.01 - Rules and Regulations
5. Office Promotional/ Appreciation Days etc. The Board of Examiners is work-

ing with our attorney to create a policy that is acceptable for these types of promotions within our laws.

Remember we continually strive through our actions to maintain the level of a professional. Respect Your Profession and Respect Your Patients.

"The Board of Examiners has received an increase in complaints filed by South Dakota DC's against their fellow practitioners."

RULES REVIEW

20:41:08:01 Continuing education courses. To be counted as continuing education, courses must meet the core curriculum requirements of the Council on Chiropractic Education as approved by the board annually. The board may also approve continuing education courses pursuant to § 20:41:08:04. Sponsors shall conduct approved courses with a certifying officer designated and present at all sessions. The officer shall, without advance notice,

check attendance at least three times during each eight-hour block of instruction. The officer shall, within 15 days after the course completion, certify to the board secretary the names of all participants, hours in attendance, subject or subjects taught, name of sponsor, date and place of meeting, and names of all instructors.

The board further accepts courses by PACE Recognized Providers. The Providers

are accredited by the Federation of Chiropractic Licensing Boards Providers of Approved Continuing Education (FCLB PACE). The FCLB PACE approved programs satisfy the board's requirements for purpose of the license renewal process. Information can be obtained at www.fclb.org (PACE). The board may continue to approve other non-FCLB PACE courses and also to deny FCLB PACE courses if deemed necessary.

REVIEW OF STATUTE

36-5-2 Practice without license or annual license renewal as misdemeanor-- Enforcement. Any person who practices or attempts to practice chiropractic or who uses the title chiropractor or

any word or title having a tendency to induce any person to believe that the person is a chiropractor without first having secured a license from the Board of Chiropractic Examiners or an annual license re-

newal from the Board of Chiropractic Examiners is guilty of a Class 1 misdemeanor. The state's attorneys shall enforce the provisions of this chapter within their respective counties



CAN YOU ANSWER THESE QUESTIONS?

Question: In South Dakota you may advertise free exams and x-rays??

Answer: review rule
20:41:09:07.01 (6)

Question: Failure to cooperate with and re-

spond in writing within 15 days after personal receipt of any board or board authorized committee inquiries or investigation may result in sanctions?

Answer: Review rule
20:41:10:05.02 (4)

Question: Doctors of chiropractic should assist in maintaining the integrity, competency and highest standards of the chiropractic profession?

Answer: Review ACA
Code of Ethics A(4)

SOUTH DAKOTA BOARD OF CHIROPRACTIC
EXAMINERS

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Yankton, SD 57078



We're on the web
[www.state.sd.us/doh/
chiropractic](http://www.state.sd.us/doh/chiropractic)

MISSION STATEMENT / MEETING DATES FOR 2007

BOARD OF EXAMINERS

MEETING DATES FOR 2007

March 24, 2007—Chamberlain, SD -
AmericInn

June 1-2, 2007 -Canistota, SD—
Ortman Clinic

September 14-15, 2007—Pierre, SD

November 30-December 1, 2007—
Canistota, SD - Ortman Clinic

The mission of the South Dakota Board of Chiropractic Examiners is threefold: to protect the continuing health, welfare, and safety of consumers of chiropractic services by ensuring that qualified chiropractors are licensed and their practice is regulated by enforcement of updated statutes, rules, regulations, and board policies, including continuing education and consumer complaint processing.

**PLEASE NOTIFY THE BOARD
OFFICE WITH ANY CHANGE OF
ADDRESS, PHONE NUMBER OR E-
MAIL!!!!**

**IF YOU HAVE NOT RECEIVED YOUR 2007 LICENSE
CERTIFICATE, THEN YOUR RENEWAL FEE HAS NOT
BEEN RECEIVED!! RENEWAL FEES ARE DUE IN THE
BOARD OFFICE BY DECEMBER 31, 2006!**